

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 12, 15, 17 and 23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 7, 10-15, 17, 18, 22-24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,741,851 Lee et al. (Lee) and further in view of US Patent Application No. 2003/0088633 Chiu et al. (Chiu) and US Patent No. 7,162,513 Kister et al. (Kister).

As to claims 1 and 17, Lee teaches a method and computer readable medium encoded with a computer program, comprising: sending a message (SMS message (col. 3 lines 51-60) on a wireless network from a wireless device (owner 100 – figure 1, col. 3 lines 36-50) to a mobile computer (portable telephone 110 – figure 1, col. 3 lines 36-50); if the mobile computer receives the message, sending a confirmation that the message was received to the wireless device (col. 4 line 64 – col. 5 line 3), and performing a data protection upon receipt of the message (col. 4 lines 45-55). However,

Lee fails to disclose performing a data protection is disabling the mobile computer and if the message sender does not receive the acknowledgement, the message sender re-send the message.

In an analogous art, Chiu teaches disabling the mobile computer ([0101]) and if the message sender does not receive the acknowledgement, the message sender re-send the message ([0101]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Lee's system to include disabling the mobile computer ([0101]) and if the message sender does not receive the acknowledgement, the message sender re-send the message, as taught by Chiu, for the advantage of preventing an unauthorized user from using any device features or accessing any possibly sensitive information that was stored on the lost device ([0102]).

However, the combined system of Lee and Chiu fails to teach the message sender queuing the message, checking the wireless network for the reconnectivity of the mobile computer to the network, and sending the queued message to the mobile computer upon the mobile computer reconnecting to the network.

In an analogous art, Kister teaches the message sender queuing the message, checking the wireless network for the reconnectivity of the mobile computer to the network, and sending the queued message to the mobile computer upon the mobile computer reconnecting to the network (col. 8 lines 52-67).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Lee and Chiu to include the

message sender queuing the message, checking the wireless network for the reconnectivity of the mobile computer to the network, and sending the queued message to the mobile computer upon the mobile computer reconnecting to the network, as taught by Kister, for the advantage of ensuring the message is sent to the user (col. 8 lines 52-67).

As to claim 23, Lee teaches a system, comprising: inherently a bus; a processor coupled to the bus, a network interface card coupled to the bus; and memory coupled to the processor, the memory adapted for storing instructions, which upon execution by the processor (it is obvious that these are built in the system) sends a message (SMS message (col. 3 lines 51-60) on a wireless network from a wireless device (owner 100 – figure 1, col. 3 lines 36-50) to a mobile computer (lost portable telephone 110 – figure 1, col. 3 lines 36-50); if the mobile computer receives the message, sending a confirmation that the message was received to the wireless device (col. 4 line 64 – col. 5 line 3), and performing a data protection upon receipt of the message (col. 4 lines 45-55). However, Lee fails to disclose performing a data protection is disabling the mobile computer and if the message sender does not receive the acknowledgement, the message sender re-send the message.

In an analogous art, Chiu teaches disabling the mobile computer ([0101]) and if the message sender does not receive the acknowledgement, the message sender re-send the message ([0101]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Lee's system to include disabling the mobile computer ([0101]) and if the message sender does not receive the acknowledgement, the message sender re-send the message, as taught by Chiu, for the advantage of preventing an unauthorized user from using any device features or accessing any possibly sensitive information that was stored on the lost device ([0102]).

However, the combined system of Lee and Chiu fails to teach the message sender queuing the message, checking the wireless network for the reconnectivity of the mobile computer to the network, and sending the queued message to the mobile computer upon the mobile computer reconnecting to the network.

In an analogous art, Kister teaches the message sender queuing the message, checking the wireless network for the reconnectivity of the mobile computer to the network, and sending the queued message to the mobile computer upon the mobile computer reconnecting to the network (col. 8 lines 52-67).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Lee and Chiu to include the message sender queuing the message, checking the wireless network for the reconnectivity of the mobile computer to the network, and sending the queued message to the mobile computer upon the mobile computer reconnecting to the network, as taught by Kister, for the advantage of ensuring the message is sent to the user (col. 8 lines 52-67).

As to claims 2, 18, and 24, Lee teaches sending a message (PCI) on a wireless network to a mobile computer (lost portable telephone 110 – figure 1, col. 3 lines 36-50) further comprises: pre-setting and storing a security code on the mobile computer (step 210 – figure 2, col. 4 lines 30-32); sending a security code message to the mobile computer using the wireless network (col. 3 line 66 – col. 4 line 6); and determining the authenticity of the sender of the message by comparing the sent security code message to the pre-set security code stored on the mobile computer (col. 4 lines 33-36).

As to claim 7, the combined system of Lee and Chiu teaches the system as described above. However, the combined system of Lee and Chiu fails to disclose receiving the queued message upon entering the wireless network if the mobile computer was outside of the range of the wireless network when the message was received.

In an analogous art, Kister teaches receiving the queued message upon entering the wireless network if the mobile computer was outside of the range of the wireless network when the message was received (col. 8 lines 52-67).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Lee and Chiu to include receiving the queued message upon entering the wireless network if the mobile computer was outside of the range of the wireless network when the message was received, as taught by Kister, for the advantage of ensuring the message is sent to the user (col. 8 lines 52-67).

As to claim 10, Lee teaches formatting a storage device on the mobile computer (col. 4 lines 45-55).

As to claim 11, Lee teaches the system as described above. However, Lee does not specifically teach a cellular network.

In an analogous art, Chiu teaches a cellular network (figure 1, [0031]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Lee's system to include a cellular network, as taught by Chiu, for the advantage of adapting to a well known system.

As to claims 12 and 22, Lee teaches a method of claims 1 and 17 further comprising sending a confirmation back to the message sender upon successfully performing a data protection on the mobile computer (col. 4 lines 64-67). However, Lee fails to disclose performing a data protection is disabling the mobile computer.

In an analogous art, Chiu teaches performing a data protection is disabling the mobile computer ([0101]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Lee's system to include disabling the mobile computer ([0101]), as taught by Chiu, for the advantage of preventing an unauthorized user from using any device features or accessing any possibly sensitive information that was stored on the lost device ([0102]).

As to claims 13 and 28, Lee teaches a method of claim 2 wherein the security code comprises a Short message Service message (col. 3 lines 51-60).

As to claims 14 and 15, the combined system of Lee and Chiu teaches the system as described above. However, the combined system of Lee and Chiu fails to teach storing message on a message server located on the wireless network.

In an analogous art, Kister teaches storing message on a message server located on the wireless network (col. 8 lines 52-67).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Lee and Chiu to include receiving the queued message upon entering the wireless network if the mobile computer was outside of the range of the wireless network when the message was received, as taught by Kister, for the advantage of ensuring the message is sent to the user (col. 8 lines 52-67).

4. Claims 3, 16, 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,741,851 Lee et al. (Lee), US Patent Application No. 2003/0088633 Chiu et al. (Chiu) and US Patent No. 7,162,513 Kister et al. (Kister) as applied to claims 1, 17 and 23 above, and further in view of US Patent Application No. 2003/0199267 Iwasa et al. (Iwasa).

Considering claims 3, 19 and 25, Chiu teaches initiating a system shutdown on the mobile computer once the message has been received ([0108]). However, the combined system of Lee, Chiu and Kister fails to disclose requiring a BIOS password to be provided prior to booting the operating system for any system reboot subsequent to the receipt of the message.

In an analogous art, Iwasa teaches requiring a BIOS password to be provided prior to booting the operating system for any system reboot subsequent to the receipt of the message ([0040]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Lee, Chiu and Kister to include requiring a BIOS password to be provided prior to booting the operating system for any system reboot subsequent to the receipt of the message, as taught by Iwasa, for the advantage of disabling the unit to prevent the offender to take advantage of inactivity to commit an offense without detection and only the owner can turn the unit back on.

Considering claim 16, Chiu teaches initiating a system shutdown on the mobile computer once the message has been received ([0108]). However, the combined system of Lee, Chiu and Kister fails to disclose allowing the BIOS password requirement to be removed once a valid BIOS password has been given the system has returned to normal operating station.



In an analogous art, Iwasa teaches allowing the BIOS password requirement to be removed once a valid BIOS password has been given the system has returned to normal operating station ([0040]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Lee, Chiu and Kister to include allowing the BIOS password requirement to be removed once a valid BIOS password has been given the system has returned to normal operating station, as taught by Iwasa, for the advantage of disabling the unit to prevent the offender to take advantage of inactivity to commit an offense without detection and only the owner can turn the unit back on.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,741,851 Lee et al. (Lee), US Patent Application No. 2003/0088633 Chiu et al. (Chiu) and US Patent No. 7,162,513 Kister et al. (Kister) as applied to claim 1 above, and further in view of US Patent No. 6,774,797 Freathy et al. (Freathy).

Considering claim 5, Kister teaches receiving the queued message upon the mobile computer reconnecting to the network (col. 8 lines 52-67). However, the combined system of Lee, Chiu and Kister fails to teach receiving the queued message upon power up if the mobile computer was powered down when the message was received.

In an analogous art, Freathy teaches receiving the queued message upon power up if the mobile computer was powered down when the message was received (col. 4 lines 23-36).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system to include receiving the queued message upon power up if the mobile computer was powered down when the message was received, as taught by Freathy, for the advantage of ensuring that the mobile computer receives the message when it is available.

As to claim 6, Kister teaches receiving the queued message upon the mobile computer reconnecting to the network (col. 8 lines 52-67). However, the combined system of Lee, Chiu and Kister fails to teach receiving the queued message upon waking if the mobile computer was in a suspended state when the message was received.

In an analogous art, Freathy teaches receiving the queued message upon waking if the mobile computer was in a suspended state when the message was received (col. 4 lines 23-36).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system to include receiving the queued message upon waking if the mobile computer was in a suspended state when the message was received, as taught by Freathy, for the advantage of ensuring that the mobile computer receives the message when it is available.

6. Claims 8, 9, 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,741,851 Lee et al. (Lee), US Patent Application No. 2003/0088633 Chiu et al. (Chiu), US Patent No. 7,162,513 Kister et al. (Kister) and US Patent Application No. 2003/0199267 Iwasa et al. (Iwasa) as applied to claims 3, 19 and 25 above, and further in view of US Patent No. 6,774,797 Freathy et al. (Freathy).

As to claims 8, 21 and 27, the combined system of Lee, Chiu, Kister and Iwasa are described as above. However, the combined system fails to disclose ascertaining the current location of the mobile computer upon receipt of the message; and sending the location back to the originator of the message.

In an analogous art, Freathy teaches ascertaining the current location of the mobile computer upon receipt of the message; and sending the location back to the originator of the message (col. 4 lines 1-11).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Lee, Chiu, Kister and Iwasa to include ascertaining the current location of the mobile computer upon receipt of the message; and sending the location back to the originator of the message, as taught by Freathy, for the advantage of ensuring that the mobile computer receives the message when it is available.

As to claim 9, the combined system of Lee, Chiu, Kister and Iwasa are described above. However, the combined system fails to disclose receiving GPS location information on the mobile computer.

In an analogous art, Freathy teaches receiving GPS location information on the mobile computer (col. 6 lines 22-39).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Lee, Chiu, Kister and Iwasa to include receiving GPS location information on the mobile computer, as taught by Freathy, for the advantage of ensuring that the mobile computer receives the message when it is available.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822.

The examiner can normally be reached on 8am-5pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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